



DEC 05 2003

AF/3731
#74/S18
12/11/03IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vargas, Jaime; et. al.
Assignee: Cardica, Inc.
Title: Incision Tensioning System and Method for Using the Same
Serial No.: 09/764,218 Filing Date: January 16, 2001
Examiner: Victor X. Nguyen Group Art Unit: 3731
Docket No.: 032405-042

December 4, 2003

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TECHNOLOGY CENTER R3700

**NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(UNDER 37 CFR §1.191)**

Sir:

Applicants hereby appeal the Final Rejection of Claims 1, 10-16 and 18 in the Examiner's Final Office Action of October 7, 2003 to the Board of Patent Appeals and Interferences. Enclosed is check no. 8766 in the amount of \$165.00 for this Notice of Appeal as set forth in CFR §1.17(b).

No extension of time is believed to be required. If, however, an extension of time is required, please provide such extension of time, and please charge Deposit Account No. 502108 for the extension fee. Please charge any amounts underpaid or credit any amounts overpaid to Deposit Account No. 502108.

Respectfully submitted,

Brian A. Schar, Esq.
Attorney of Record
Reg. No. 45,076

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